



26 JUL 2012

Andrew Wilkie MP  
INDEPENDENT MEMBER FOR DENISON

Ms Alison Larkins  
Commonwealth Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Dear Ms Larkins

I am writing to convey my concern that the Australian Fisheries Management Authority (AFMA) may not have complied with the *Fisheries Administration Act 1991* when it set the Total Allowable Catch (TAC) relevant to the controversial super trawler MV Margiris which is heading for Australia.

On the AFMA website there are no minutes for the crucial AFMA South East Management Advisory Committee (MAC) teleconference on 26 March 2012 where the recommendation was finalised for the 2012/13 small pelagic fishery TAC. Minutes are required by the Act and an associated policy document, and their apparent absence for a meeting at which such a controversial recommendation was agreed raises serious questions.

Due to the lack of minutes there is no way of knowing, among other things, if the committee member with a direct conflict of interest - the proponent of the MV Margiris Mr Gerry Geen from Seafish Tasmania Pty Ltd - absented himself from the meeting as required by the Act, or was specifically authorised to remain in attendance as required by the Act.

I note that Mr Geen recounted during a 28 June 2012 ABC radio interview that he'd declared his direct conflict of interest at the start of the meeting, and that this is recorded in the chair's summary of the meeting available on the AFMA website. But in both cases there is no reference to Mr Geen absenting himself from the meeting, or the committee making and recording a decision to allow Mr Geen to remain in attendance.

Perhaps minutes of the meeting do exist and there has simply been an inordinate delay in making them publicly available. And perhaps such minutes will record Mr Geen absenting himself from the meeting, or the committee deciding quite deliberately to allow Mr Geen to remain in attendance.

But in the apparent absence of such minutes there is a serious question mark over AFMA and whether or not it has followed proper process when it determined fish numbers relevant to the MV Margiris. Unless this is cleared up very quickly, there is the possibility that the basis for the super trawler coming to Australia is unlawful and that the quota granted to Seafish Tasmania should be revoked.

Yours sincerely

Andrew Wilkie MP  
Independent member for Denison

cc. The Hon Julia Gillard MP, Prime Minister  
Senator the Hon Joe Ludwig, Minister for Agriculture, Fisheries and Forestry  
Dr James Findlay, Chief Executive Officer Australian Fisheries Management Authority